

10-16 525 Rec'd PCT/PTO 12 OCT 2000

FORM PTO-139c (Modified) (REV 11-98)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 3027.00
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371			U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR) 09/673558
INTERNATIONAL APPLICATION NO. PCT/CA99/00364	INTERNATIONAL FILING DATE April 16, 1999	PRIORITY DATE CLAIMED April 16, 1998	
TITLE OF INVENTION COMB-LIKE SOLID PHASE FOR MEASURING ANALYTES			
APPLICANT(S) FOR DO/EO/US Ronald R. Marquardt Zhibo Gan			



Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- 1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
- 2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
- 3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
- 4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
- 5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
- ☒ A copy of the International Search Report (PCT/ISA/210).
- ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
- ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
- ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
- ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

- Items 13 to 20 below concern document(s) or information included:
- 13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
 - 14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
 - 15. ☒ A **FIRST** preliminary amendment.
 - 16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
 - 17. ☐ A substitute specification.
 - 18. ☐ A change of power of attorney and/or address letter.
 - 19. ☒ Certificate of Mailing by Express Mail
 - 20. ☐ Other items or information:

CERTIFICATE OF MAILING BY "EXPRESS MAIL"
"EXPRESS MAIL" Mailing Label Number EL405575996US
Date of Deposit 10-12-00
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Marie M. Dewitt
(Signature of person mailing paper or fee)

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.53) 09/67358		INTERNATIONAL APPLICATION NO. PCT/CA99/00364		ATTORNEY'S DOCKET NUMBER 3027.00014	
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21. The following fees are submitted:				CALCULATIONS PTO USE ONLY	
BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) : <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1,000.00 <input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$860.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$710.00 <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$690.00 <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00					
ENTER APPROPRIATE BASIC FEE AMOUNT =					
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)). <input type="checkbox"/> 20 <input type="checkbox"/> 30				\$860.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)). <input type="checkbox"/> 20 <input type="checkbox"/> 30				\$0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	21 - 20 =	1	x \$18.00	\$18.00	
Independent claims	3 - 3 =	0	x \$80.00	\$0.00	
Multiple Dependent Claims (check if applicable). <input type="checkbox"/>				\$0.00	
TOTAL OF ABOVE CALCULATIONS =				\$878.00	
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable). <input checked="" type="checkbox"/>				\$439.00	
SUBTOTAL =				\$439.00	
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)). <input type="checkbox"/> 20 <input type="checkbox"/> 30				\$0.00	
TOTAL NATIONAL FEE =				\$439.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/>				\$0.00	
TOTAL FEES ENCLOSED =				\$439.00	
				Amount to be:	\$
				refunded	\$
				charged	\$

☒ A check in the amount of **\$439.00** to cover the above fees is enclosed.


☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **11-1449** A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Amy E. Rinaldo
 KOHN & ASSOCIATES
 30500 Northwestern Hwy.
 Suite 410
 Farmington Hills, Michigan 48334
 (248) 539-5050


 SIGNATURE

Amy E. Rinaldo

NAME

45,791

REGISTRATION NUMBER

October 12, 2000

DATE

Attorney's Docket Number: 3027.00014

PATENT

Applicant or Patentee: Ronald R. Marquardt et al

Serial or Patent No: _____

Filed or Issued: _____

For: COMB-LIKE SOLID PHASE FOR MEASURING
ANALYTES

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(d) --NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: Manitoba Cancer Treatment & Research Foundation

Organization Address: 100 Olivia, Room 0N206
Winnipeg, Canada R3E-OV9

Type of Organization:

- ____ University or other Institution of Higher Education
- X Tax exempt under Internal Revenue Service Code
(26 USC 501(a) and 501(c)(3))
- ____ Nonprofit Scientific or Educational under Statute of
State of _____, USA, Statute No. _____
- ____ Would Qualify as Tax Exempt under Internal Revenue
Service Code (26 USC 501(a) and 501(c)(3) if located
in the United States of America (State: _____)
(Citation of Statute: _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under Section 41(a) and 41(b) of Title 35, of United States Code with regard to the invention as entitled above.

Described in:

- X the specification filed herewith with title as listed above
- the application identified above.
- the patent identified above.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

[illegible]

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or nonprofit organization under 37 CFR 1.9(e).

- * Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Each such person, concern or organization having any rights in the invention is listed below:

- ☐ No such person, concern, or organization exists.
- ☒ Each such person, concern or organization is listed below.

NAME: University of Manitoba

ADDRESS: Administration Building, Room 202
Winnipeg, Manitoba, Canada R3T-2N2

☐ Individual ☐ Small Business ☒ Nonprofit Organization

NAME: _____

ADDRESS: _____

☐ Individual ☐ Small Business ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28(b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Dr. Brent Schacter

Title in Organization: President/CEO

Address of Person Signing: 100 Olivia, Room ON206

Winnipeg, Manitoba, Canada

SIGNATURE:  Date: 10-12-00

009027 2552/960

Attorney's Docket Number:

3027.00014

PATENT

Applicant or Patentee:

Ronald R. Marquardt, et al

Serial or Patent No.:

Filed or Issued:

Title:

COMB-LIKE SOLID PHASE FOR MEASURING ANALYTES

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(d) — NONPROFIT ORGANIZATION)**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization:

The University of Manitoba

Organization Address:

Administration Building - Room 202

Winnipeg, Manitoba, CANADA R3T 2N2

Type of Organization:

- ☒ University or other Institution of Higher Education
- ☐ Tax exempt under Internal Revenue Service Code
(26 USC 501(a) and 501(c)(3))
- ☐ Nonprofit Scientific or Educational under Statute of State of the United States of
America State: _____
Citation of Statute: _____
- ☐ Would Qualify as Tax Exempt under Internal Revenue
Service Code (26 USC 501(a) and 501(c)(3) if located in the United States of
America (State: _____)
(Citation of Statute: _____)

I hereby declare that the nonprofit organization identified above qualified as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under Section 41(a) and 41(b) of Title 35, of United States Code with regard to the invention as entitled above.

Described in:

- ☒ the specification filed herewith with title as listed above.
- ☐ the application identified above.
- ☐ the patent identified above.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

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100 51 379120861 807

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or nonprofit organization under 37 CFR 1.9(3).

- **Separate verified statements are required from each person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)**

Each such person, concern or organization having any rights in the invention is listed below:

☐ No such person, concern, or organization exists.

☐ Each such person, concern or organization is listed below.

NAME: _____

ADDRESS: _____

☐ Individual ☐ Small Business ☐ Nonprofit Organization

NAME: _____

ADDRESS: _____

☐ Individual ☐ Small Business ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28(b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: M.W. McAdam

Title in Organization: Vice-President, Administration

Winnipeg, Manitoba, Canada R3T 2N2

Signature:  **Date:** October 12, 2000

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